

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: SKP002
Anticipated Classification:
Class: 436 Subclass: 501
Group Art Unit:
Examiner:

PRIOR APPLICATION:
Examiner: Lisa V. Cook
Group Art Unit: 1641
Status: Pending

REQUEST FOR PATENT APPLICATION UNDER 37 CFR §1.53(b)

Boxford, Massachusetts 01921
July 21, 2000

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a DIVISIONAL application under 37 CFR §1.53(b), of pending prior application serial no. 09/510,700 filed on February 22, 2000 for METHOD FOR DIAGNOSING AND DISTINGUISHING STROKE AND DIAGNOSTIC DEVICES FOR USE THEREIN.

1. X Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application serial number 09/510,700, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
2. X Small entity status has been established in prior, pending application serial no. 09/510,700, filed February 22, 2000 and is still proper and desired in the present application. A copy of the Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(c)) -- Small Business Concern is enclosed.
- 3.. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

Number Filed			Number Extra		Rate		Basic Fee \$345.00
Total Claims: 13	-20	=	0	X	\$18	=	\$ 00
Independent Claims: 1	- 3	=	0	X	\$78	=	\$ 00
Total Filing Fee							\$ 345.00


#2/a
py
9.27.00

4. X A check in the amount of \$345.00 (check no. 103) is enclosed.
5. X Cancel in the application original claims 1-20 of the prior application before calculating the filing fee..
6. X The inventor of the invention being claimed in this application is: George Jackowski
7. X Amend the specification by inserting before the first line the sentence
--This is a division of application Serial No. 09/510,700 filed February 22, 2000 --.
8. — A new formal drawing is enclosed.
9. X The prior application is assigned to Skye PharmaTech Incorporated.
10. X The power of attorney in the prior application is to: Gaetano D. Maccarone Registration No. 25,173.
11. X The power appears in the original papers of the prior application and a copy of the original power of attorney is enclosed.
12. X Please address all future communications to:

Gaetano D. Maccarone, Esq.
88 Pye Brook Lane
Boxford, Massachusetts 01921

Respectfully submitted,

Tel: (978) 887-8588

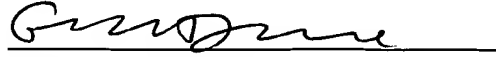

Gaetano D. Maccarone
Registration No. 25,173

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Mailing Label Number: **EE120434026US**

Date of Deposit: **July 21, 2000**

I hereby certify that this Patent Application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.



Gaetano D. Maccarone
Registration No. 25,173

CHECK NO. 103 IN THE AMOUNT OF \$345.00 IS ENCLOSED

001220 26512960

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
SKP99001

Applicant, Patentee, or Identifier: George Jackowski
Application or Patent No.: _____
Filed or Issued: Herewith
Title: Method for Diagnosing and Distinguishing Stroke and Diagnostic Devices For Use Therein

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Skye PharmaTech, Incorporated

ADDRESS OF SMALL BUSINESS CONCERN 6354 Viscount Road, Mississauga
Ontario, Canada L4V 1H3

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING George Jackowski

TITLE OF PERSON IF OTHER THAN OWNER Vice Chairman & Chief Executive Officer

ADDRESS OF PERSON SIGNING 17725 Keele St., Kettleby, Ontario, Canada L0G 1JC

SIGNATURE [Signature] DATE Feb 18 2000